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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2003 Assembly Bill 752</b>	<b>Assembly Amendment 1</b>
<i>Memo published: February 23, 2004</i> <i>Contact: Don Dyke, Chief of Legal Services (266-0292)</i>	

Assembly Bill 752 addresses the circumstance where a property owner has been issued a local permit for constructing a structure, based on an accurate application, and the structure is then constructed in accordance with the permit. If the property owner becomes subject to an action seeking an order to direct the property owner to raise, move, or modify the structure because the structure is in violation of a local building code or zoning ordinance, the bill provides specified remedies for the property owner.

Assembly Amendment 1:

1. Clarifies that the proposal applies to permits issued by counties, in addition to cities, villages, and towns. (See items 1., 2., and 4. to 8. of the amendment.)
2. Revises the bill's provision authorizing the court to order the county, city, village, or town to grant a variance for the structure (rather than order the structure raised, moved, or modified). (See item 3. of the amendment.) Under the proposal, in order to grant the variance, the party seeking the order to raise, move, or modify the structure must consent to the variance. Consistent with the apparent intent of the proposal, the consent requirement is revised to apply to the property owner; thus, under the amendment, the court may order a variance if the property owner consents.

Assembly Amendment 1 was introduced by the Assembly Committee on Judiciary, which recommended adoption of the amendment by a vote of Ayes, 8; Noes, 0.

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